

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

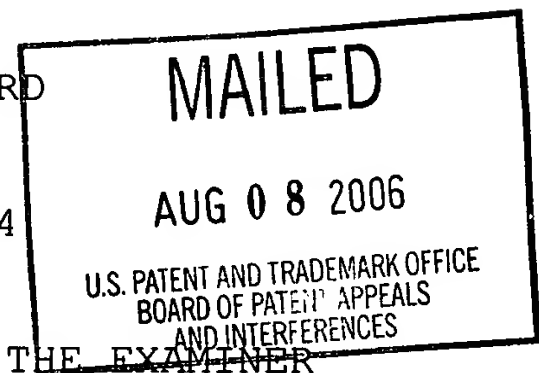
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HOWARD A. KINGSFORD

Application No. 09/440,384

ORDER RETURNING UNDOCKETED APPEAL TO THE EXAMINER



This application was electronically received at the Board of Patent Appeals and Interferences on August 2, 2006. An in-depth review has determined that this application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

This is the second "ORDER RETURNING UNDOCKETED APPEAL TO THE EXAMINER" (Order). The first Order, mailed February 17, 2006, required the Examiner to consider the Information Disclosure Statement (IDS) received at the USPTO on April 10, 2002. A review of the file indicates that the Examiner did not comply with this requirement, therefore a second Order is herewith being issued to correct this inadvertent oversight by the Examiner.

Application No. 09/440,384

Accordingly, it is

ORDERED that the application is returned to the
Examiner:

(1) for proper consideration of the IDS received in the
Office on April 10, 2002, by either initialing all of the
references, or by drawing a line through the references not
considered;

(2) for notification to Appellant in writing of
consideration; and

(3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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